

**CALIFORNIA ASSOCIATION OF  
COUNTY VETERANS SERVICE OFFICERS, INC.**  
**and**  
**CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS,**  
**Veterans Services Division**

**County Veterans Service Office Personnel**  
**Training Program for**  
**U.S. Department of Veterans Affairs Accreditation**



## Introduction; Listing of Modules

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Veterans' Service Officers

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**DISCLAIMER:** This manual is based entirely upon publicly available sources, including the United States Code, the Code of Federal Regulations, and official publications of the U.S. Department of Veterans Affairs (VA), including but not limited to operating manuals, handbooks, pamphlets, booklets, and information sheets. Except where specifically noted, all interpretations and instructions as to their application(s) are those of the author. While every effort is made to ensure that the information in each module is correct and accurate, this manual should not be construed as definitive on questions of law, regulations, VA policies or requirements. If a question arises as to any point, the language of the statutes (law), regulations, or operating manuals, and the official VA interpretations thereof, is controlling.

## **INTRODUCTION**

### **Authority:**

Under provisions of 38 CFR § 14.629(a), as amended, authority for supervising and controlling this training program is given to state Departments of Veterans Affairs. Accordingly, the following directives apply:

1. Before receiving accreditation through the California Department of Veterans Affairs, all new County Veterans Service Officers and Veterans Service Representatives must receive and complete this training course.
2. CVSO personnel who are already accredited must take regular ongoing refresher training to keep informed and abreast of continuing changes to the law, regulations, and VA policies.

### **Course Objectives:**

1. To understand the bases for providing various benefits to veterans, their dependents and survivors.
  - a. The history and organization of the U.S. Department of Veterans Affairs (VA).
  - b. How VA functions.
2. To assemble and become familiar with basic resource materials.
  - a. Title 38, U.S. Code (USC).
  - b. 38 Code of Federal Regulations (CFR).
  - c. Operating manuals for various VA operating elements.
  - d. Various VA pamphlets, brochures, and booklets describing benefits and programs.
3. To learn how VA adjudicates claims and reaches its decisions.
  - a. Learn all available benefits under the various programs.
  - b. Learn how to properly complete both initial and supplemental claims.
  - c. Learn how to develop supporting evidence to enable VA to adjudicate claims as quickly as possible.
  - d. Learn the appellate process and procedures.

### **TO THE SUPERVISOR OR INSTRUCTOR:**

This training manual is intended as a basic tool both for new trainees and for journeyman claims representatives. It contains twenty modules covering all programs listed in Title 38, U.S. Code, regarding benefits for veterans, their dependents, and their survivors. It gives pertinent reading references for each topic contained. As experience dictates and as veterans' laws or VA policies change, it will be updated and possibly enlarged.

## **Introduction; Listing of Modules**

The format and content of the current manual has been revised from earlier versions. Each module gives a listing of pertinent reading references, followed by a capsule summary of the particular benefit or program being described, followed in turn by a brief quiz on various aspects of the topic of the particular module. Because it is intended as a capsule summary only, no attempt is made to give comprehensive detail on any particular aspect—rather, the trainee should be encouraged to read the references given and then discuss the various points in more detail with the instructor.

The answers for questions on the various quizzes may or may not be found in the summary; often, it will be necessary to refer to the basic readings, especially the Code of Federal Regulations (CFR) both for the answer itself and for the authority for the answer. A separate listing (**Appendix B**) is provided with the intended (school) answers and to the extent possible, the specific statutory and/or regulatory reference(s).

It is important that the supervisor and/or instructor be available to the greatest extent possible to discuss, clarify and enlarge upon the various points in each module, as well as to explain any points not clearly understood by the trainee.

### **TO THE TRAINEE:**

The best way to learn claims work is by a combination of theoretical and practical training. To the greatest extent possible, you will actually work cases under the guidance of a supervisor or instructor, using this manual to help understand what needs to be done and why. Your supervisor or instructor will assign various modules for you to study, review, and discuss in connection with the casework.

It is extremely important that you study the laws and regulations carefully, as well as the various operating manuals for the different VA elements. In particular, you must be familiar with the Adjudication Manual M21-1 (also, M21-1MR), since this will be a controlling reference for the majority of VA claims you will deal with. The various VA pamphlets and booklets listed are also extremely important, since they give detailed information in clear and concise language about the eligibility and entitlement requirements for the various benefit programs.

This manual is your property, and is intended to be both a guide and a working notebook throughout your career. You may add references and notes, and make changes as required by changes in the laws and/or VA policies. It should remain a useful tool to help prepare for and pass any further examinations related to claims work as may be required. This manual alone will not make you an expert in VA claims matters. However, it should help to give you a good start in becoming familiar and comfortable with the VA claims process.

### **A FEW WORDS ABOUT REFERENCES:**

Since this manual was first compiled, VA references have evolved continuously, and sometimes dramatically, especially regarding use of the internet as a primary source for reference materials. It is very important, therefore, that all CVSOs and Claims Representatives be familiar with and comfortable using the applicable Uniform Resource Locator (URL) addresses for each of the VA elements and activities. Virtually all, if not in fact all, relevant information including in some instances VA forms and applications, as well as brochures, booklets and pamphlets about each operating element and activity, will be found on that element's web pages, which are themselves part of the basic VA web site.

## Introduction; Listing of Modules

Below is a partial listing of the most important basic URLs for VA-related issues; this is necessarily an incomplete listing. These URLs will not be listed again in the individual modules, but other URLs will be cited where and as appropriate. Personnel who are experienced in using online materials will quickly discover (if they haven't done so already) many other useful web sites that will further enhance their knowledge and their ability to serve their clients.

VA home page:	<a href="http://www.va.gov/">http://www.va.gov/</a>
VBA home page:	<a href="http://www.vba.va.gov/">http://www.vba.va.gov/</a>
VHA home page:	<a href="http://www1.va.gov/Health_Benefits/">http://www1.va.gov/Health_Benefits/</a>
Compensation & Pension home page:	<a href="http://www.vba.va.gov/bln/21/index.htm">http://www.vba.va.gov/bln/21/index.htm</a>
National Cemetery Administration home page:	<a href="http://www.cem.va.gov/">http://www.cem.va.gov/</a>
Education Service home page:	<a href="http://www.gibill.va.gov/">http://www.gibill.va.gov/</a>
Loan Guaranty home page:	<a href="http://www.homeloans.va.gov/">http://www.homeloans.va.gov/</a>
VA Insurance home page:	<a href="http://www.insurance.va.gov/">http://www.insurance.va.gov/</a>
Vocational Rehabilitation & Employment home page:	<a href="http://www.vba.va.gov/bln/vre/index.htm">http://www.vba.va.gov/bln/vre/index.htm</a>
Board of Veterans' Appeals home page:	<a href="http://www.va.gov/vbs/bva/">http://www.va.gov/vbs/bva/</a>
Office of the General Counsel home page:	<a href="http://www1.va.gov/OGC/">http://www1.va.gov/OGC/</a>
Web Automated Resource Materials System (WARMS):	<a href="http://www.warms.vba.va.gov/">http://www.warms.vba.va.gov/</a>

This is the online public reference source for keeping abreast of changes to VBA regulations and operating manuals (click on “*What’s New?*”). It also contains the operating manuals for all VBA activities (click on “*WARMS Direct Links*” in the left-hand sidebar), as well as the regulations for all VA activities, including the regulations for Vocational Rehabilitation, for other education and training programs, and for loan guaranty. 38 CFR, Part 17 (Medical) is also included, as are the regulations concerning BVA and appeals (38 CFR, Parts 19 and 20), although not necessarily in the expected alphabetical sequence. (For instance, Part 17 (Medical) is in Book I, but Parts 19 and 20 (BVA, Appeals) are in Book A).

Other important web sites include the Government Printing Office (GPO):

<i>Federal Register:</i>	<a href="http://www.gpoaccess.gov/fr/index.html">http://www.gpoaccess.gov/fr/index.html</a>
<i>Code of Federal Regulations:</i>	<a href="http://www.gpoaccess.gov/cfr/index.html">http://www.gpoaccess.gov/cfr/index.html</a>
<i>Public &amp; Private Laws:</i>	<a href="http://www.gpoaccess.gov/plaws/index.html">http://www.gpoaccess.gov/plaws/index.html</a>
<i>United States Code:</i>	<a href="http://www.gpoaccess.gov/uscode/index.html">http://www.gpoaccess.gov/uscode/index.html</a>

U.S. Court of Appeals for Veterans Claims (CAVC):	<a href="http://www.vetapp.uscourts.gov/">http://www.vetapp.uscourts.gov/</a>
U.S. Court of Appeals for the Federal Circuit:	<a href="http://www.fedcir.gov/">http://www.fedcir.gov/</a>

Like all other VA reference materials, the Adjudication Manual M21-1 is constantly being revised and indeed is currently in the process of being completely rewritten. The new manual is called M21-1MR (for Manual Rewrite); as various chapters are completely rewritten, they are listed in M21-1MR and the corresponding portions of old M21-1 are rescinded. Where appropriate, the **References** portion of each module will reflect either the old or the new (and sometimes both) M21-1 citations.

## Introduction; Listing of Modules

The basic reference materials for each and every VA activity, benefit, and operational element are the law (38 USC) and rules/regulations (38 CFR). It is vitally important that all CVSOs and Veterans' Service Representatives be familiar with them and be comfortable researching them. This does not mean that one must memorize all the laws and regulations; rather, it means that one should learn *how* to look in the laws and/or regulations for any particular subject.

If 38 CFR is considered as reference material similar to a dictionary or an encyclopedia, some similarities immediately spring to mind (even though there are also many differences). Just as an encyclopedia is organized alphabetically, so that one knows which volume to check if one knows how the word or term is spelled, regulations are organized by the activity being covered.

38 CFR is divided into 60 parts; in general, each part pertains to a specific activity or operating element. Not all of these parts are relevant to CVSO-related activities; the ones that are most relevant are the following: Part 1, which deals with National Cemeteries, also with overpayments and debt management; Part 3 is adjudication of (C & P) claims, and Part 4 is the *Schedule for Rating Disabilities*. Parts 6–9 deal with VA Insurance programs. Part 14 deals with legal services, including General Counsel; it also contains the authority and requirements for recognition of claims representatives, including CVSOs and staff. Part 17 pertains to medical and health-care eligibility issues. Parts 19 and 20 deal with the Board of Veterans' Appeals and appeal regulations. Part 21 covers not only Vocational Rehabilitation, but also all other VA education and training assistance programs. Finally, Part 36 contains the rules for Loan Guaranty activities.

The CFRs have tables of contents at the beginning of each Part, giving the general topic(s) and subject matter of each of the paragraphs in that Part. Each Part then has subdivided tables of contents for the subsections within that Part, again with descriptive titles for each of the individual regulations within that subsection. Since the individual regulations are grouped by general subject matter (e.g., *Claims*, *Evidence Requirements*, *Effective Dates*, etc.), it is usually possible to simply link the topic of inquiry to the title of the relevant paragraph or section of the regulation, and thus to the text of the regulation itself. Admittedly, this may not work in all cases, and more detailed or deeper investigation may be necessary to find the controlling rule(s) in some cases; but for the overwhelming majority of situations, if one simply starts with the topic being considered and finds the subject matter grouping that most nearly matches it, it should usually be short work to trace the relevant regulation(s).

As one example, to determine the effect a pension recipient's inheritance of \$500,000 would have on entitlement to pension now and in future years, one would turn to 38 CFR, Part 3, **ADJUDICATION** --> §§ 3.250–3.277, DEPENDENCY, INCOME, AND ESTATE --> §§ 3.271–3.277, REGULATIONS APPLICABLE TO THE IMPROVED PENSION PROGRAM WHICH BECAME EFFECTIVE JANUARY 1, 1979. First, § 3.271, **Computation of Income**, tells us that "Payments of any kind from any source shall be counted as income during the 12-month annualization period in which received unless specifically excluded under § 3.272." § 3.272, **Exclusions from income**, does not list inheritances as a category excluded from being counted as income. Following the 12-month (calendar) period when it is counted as income, any remaining portion of the inheritance would then become part of the corpus of the beneficiary's estate; that is, net worth. § 3.274, **Relationship of net worth to pension entitlement**, states that pension to or for a veteran (or a surviving spouse, or a child) "will be denied or discontinued when the corpus of the estate ... is such that under all the circumstances, ... it is reasonable that some part of the corpus of such estate be consumed for the [beneficiary's] maintenance." § 3.275, **Criteria for evaluation of net worth**, sets out the rules for deciding when net worth is enough to deny or discontinue pension, including the various factors to be considered in individual cases. There are, of course, many further examples, but the same general principles would apply to all situations.

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**LISTING OF TRAINING MODULES**

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